IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24473 of 2004

Between:

Sri B. Nagendra Chary, S/o Sudershan Chary, aged 44 years,

Occu: Driver Gr-II, APSRTC, Thorrur Depot, Thorrur, Warangal District.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Thorrur Depot, Thorrur, Warangal District.
2 The Secretary, APSRTC Employees Thrift & Credit Cooperative Society Ltd. Satyanarayanareddy Marg, Azamabad, Hyderabad- 20.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order, or Direction, more particularly one in the nature of Writ of MANDAMUS, to declare the action of the 1st Respondent in recovering the salary of the petitioner without any notice or opportunity contrary to the Letter No. E1/2255(1)/2004-WL-II dt. 05-03-2004 of the Depot Manager, Warangal -II Depot and consequently direct the Respondents to conduct the enquiry into the whole matter before passing orders for recovery of Rs. 1,89,000/- which was granted for construction of house in the Interest of Justice and pass such other order or orders.

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY & ASSOCIATES

Counsel for the Respondents: SMT.P.RAJANI REDDY

The Court at the admission stage made the following :

The Hon’ble Sri Justice

K.C. Bhanu

W.P. No. 24473 of 2004

O R D E R:

The writ petition is filed seeking to declare the action of the 1st respondent in recovering the salary of the petitioner without any notice or opportunity contrary to letter No.E1/2255(1)/2004-WL-II dated 5.3.2004 as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

A detailed counter affidavit has been filed by the 2nd respondent. The petitioner took a loan of Rs.2,50,000/- for construction of house from the respondent-Corporation and thereafter he did not construct the house. It is the case of the respondents that the petitioner went to the extent of forging the signature of the Dy. Executive Engineer who has to issue a certificate and obtained loan. The 2nd respondent issued a final notice calling upon the petitioner to repay the entire loan amount due by the petitioner. Suppressing some of the material facts the petitioner approached this court and he has not come to the court with clean hands. Since the petitioner mis-utilized the loan amount, impugned action of the respondents ordering recovery from the salary of the petitioner does not suffer from any incurable legal infirmities so as to call for interference by this court.

Therefore the writ petition is devoid of merit it is accordingly dismissed.

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K.C. Bhanu, J.

Date: 21—03—2005.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Depot Manager, APSRTC, Thorrur Depot, Thorrur, Warangal District.
2 The Secretary, APSRTC Employees Thrift & Credit Cooperative Society Ltd. Satyanarayanareddy Marg, Azamabad, Hyderabad- 20.

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